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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,765	01/29/2002	Nobuyuki Itoh	201130.408D1	9697

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EXAMINER

LI, RUIXIANG

ART UNIT	PAPER NUMBER
1646	

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Status of Application, Amendments, and/or Claims

The amendment received on November 29, 2004 has been entered in full. Claims 1-14 and 19-59 have been canceled. Claims 15-18 are pending and under consideration. Applicants' amendment to the specification to insert sequence identifiers for the amino acid sequences at page 10 and 18 is also noted.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.

Withdrawn Objections and/or Rejections

The objection to the Disclosure and Abstract has been withdrawn in view of the amended specification and Abstract.

Applicants' cancellation of claims 12-14 and 22 has made the rejections of claims under 35 U.S.C. 112, first paragraph and 35 U.S.C. 102(e) moot.

The rejection of claims 15 and 16 under 35 U.S.C. 112, first paragraph, as set forth at pages 4-11 of the previous office action (Paper No. 05172004, 05/25/2004), has been withdrawn in view of Applicants' argument.

Claim Rejections Under 35 USC § 102 (e)

Claims 15-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Agarwal et al. (US20010012628A1, Publication Date: August 9, 2001; earliest priority date: November 5, 1999).

Agarwal et al. teach an FGF-19a polypeptide (SEQ ID NO: 2) consisting of 209 amino acids, which differs from SEQ ID NO: 4 of the present invention by a single amino acid residue at position 174. Agarwal et al. also teach epitope-bearing fragments of the FGF-19a polypeptide, which can be used to generate antibodies ([0067]). Agarwal et al. further teach fragments of the polypeptide having at least 30, 50, or 100 contiguous amino acid. Some of the fragments would comprise SEQ ID NO: 7 or SEQ ID NO: 8. Thus, the reference of Agarwal et al. meets the limitations of claims 15-18.

It appears that the polypeptides of SEQ ID NO: 7 and 8, as well as the full-length polypeptide of SEQ ID NO: 4 are free of the prior art.

Conclusion

No claims are allowed.

Advisory Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruixiang Li whose telephone number is (571) 272-0875. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda Brumback, can be reached on (571) 272-0961. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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Ruixiang Li, Ph.D.
Examiner
January 28, 2005